



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(September 27, 2011 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/DS-11-14 (Talisa Burnett)  
**Staff:** Derek Naber  
  
**Applicant:** Talisa Burnett  
**Property Size:** 35,547 square feet  
**Current Zoning:** RS2 (Residential: Single Family 2)  
**Location:** 996 Jonesville Road, in Columbus Township

**Background Summary:**

Talisa Burnett is proposing to add a front porch addition to her existing home and has indicated that the proposed variance from Zoning Ordinance Section 3.9 (C) is for the purpose of allowing a front setback of 18 feet from the planned right-of-way of Jonesville Road; 32 feet less than required.

**Preliminary Staff Recommendation:**

Denial, Criterion 3 has not been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the RS2 (Residential: Single-Family 2) zoning district is as follows: To provide areas for moderate density single-family residences in areas with compatible infrastructure and services. Development in this zoning district should generally be served by sewer and water utilities. Such development should also provide residents with convenient access to Collector and Arterial streets, parks and open space, employment, and convenience goods.

**Development Standards:** Zoning Ordinance Section 3.3 (C)(6) states that the front setback shall be measured as the shortest distance between the street or road right-of-way specified by the applicable Thoroughfare Plan and the foundation of the nearest structure. The specified right-of-way shall be measured with ½ of the required distance on either side of the centerline of the street/road.

Zoning Ordinance Section 3.9 (C) lists that the minimum front setback for properties along an Arterial Street is 50 feet.

Current Property Information:	
Land Use:	Residential, Single-Family
Site Features:	The site features a primary residential structure, an accessory garage and a driveway with loop (2 access points).

<b>Flood Hazards:</b>	Part of the property is located in the 500-year floodway fringe.
<b>Vehicle Access:</b>	The property gains access from Jonesville Road (SR 11) (Principle Arterial, Commercial, Suburban).

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	RS2 (Residential: Single-Family 2)	Residential: Single-Family
<b>South:</b>	RS2 (Residential: Single-Family 2)	Residential: Single-Family
<b>East:</b>	CC (Commercial: Community Center)	Vacant Land
<b>West:</b>	RS2 (Residential: Single-Family 2)	Railroad

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	No objections to this request.

### **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. According to Zoning Ordinance Section 3.3 (C)(6), the front setback shall be measured as the shortest horizontal distance between the planned right-of-way specified by the applicable Thoroughfare Plan and the foundation of the nearest structure. Jonesville Road, which is classified in the Thoroughfare Plan as a Principle Arterial, Commercial, Suburban currently has a planned right-of-way of 90 feet. The existing right-of-way in front of the subject property is currently 70 feet; of which 45 feet is east of the centerline of the street.
2. The minimum front setback in the RS2 (Residential: Single-Family 2) zoning district from an arterial street planned right-of-way is 50 feet.
3. Talisa Burnett is proposing to extend the front of her home by adding a front porch to her house. The 10 foot by 30 foot (300 square foot) front porch will encroach 10 feet closer to the planned right-of-way of Jonesville Road. The front porch extension from the existing house would create a front setback of 18 feet which is 32 feet less than required.
4. The current dwelling which currently sits 28 feet from the planned right-of-way of Jonesville Road is legally nonconforming. According to Zoning Ordinance Section 11.3 (B)(1), no legal nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity without the approval of a variance by the Board of Zoning Appeals.
5. The property which is 35,547 square feet does provide other locations to add an outdoor porch space such as the side and rear yards. A 300 square foot porch could be added in both the south side yard and rear yard of the subject property while still meeting the requirements of the Zoning Ordinance.

### **Provisional Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

*Provisional Findings:* The front porch extension will be built to the building code standards and the reduced front setback does not result in any harm to those traveling along Jonesville Road, residents, or the community. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

*Provisional Findings:* The front porch extension proposal meets the side and rear yard setbacks which border neighboring residential uses and the railroad. The reduced front setback does not affect uses and values of the surrounding properties. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* The property provides adequate area to add a porch in the side and rear yards which would have outdoor space customary to similar homes while still meeting the Zoning Ordinance requirements. *This criterion **has not** been met.*

#### **Board of Zoning Appeals Options:**

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.